

EXHIBIT 10

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

IN RE: HIGH-TECH EMPLOYEE)

ANTITRUST LITIGATION) NO. 11-CV-2509-LHK

-HIGHLY CONFIDENTIAL ATTORNEYS' EYES ONLY-

VIDEOTAPED DEPOSITION OF BRANDON MARSHALL

San Francisco, California

Monday, October 22, 2012

Volume I

Reported by:

ASHLEY SOEVYN

CSR No. 12019

Job No. 1541283

PAGES 1 - 341

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

1	A. Yes.	09:19:03
2	Q. You verified that you were providing those	09:19:03
3	responses under penalty of perjury?	09:19:05
4	A. Under penalty of perjury, yes.	09:19:08
5	Q. Were your responses accurate?	09:19:15
6	A. Yes, they were accurate.	09:19:16
7	Q. As you sit here, I know you don't have it	09:19:18
8	in front of you, but as you sit here, is there	09:19:20
9	anything you want to change about your responses?	09:19:21
10	A. I think that there -- in some cases, were	09:19:24
11	less than complete. I think that they were in all	09:19:25
12	cases accurate, but if you want to go through them	09:19:28
13	one by one, I would be happy to try to make them as	09:19:30
14	complete as possible.	09:19:33
15	Q. So no inaccuracies as you sit here?	09:19:35
16	A. Not that I'm aware of, no.	09:19:40
17	Q. And when you say "they were less than	09:19:43
18	complete," without having the document in front of	09:19:45
19	you, does anything come to mind?	09:19:48
20	A. Yes, specifically, there was an answer	09:19:50
21	where I spoke about cold calling, had I ever been	09:19:53
22	cold called. I believe, I only recounted one	09:19:56
23	instance of that. I think it's fairly obvious, even	09:20:00
24	from the e-mails that I supplied to you, that there	09:20:04
25	were more than the one occasion -- there were more	09:20:07

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

1 than one occasion on which I was cold called 09:20:07
2 under -- the definition of cold calling, including 09:20:09
3 e-mails as well as phone calls. And I do get calls 09:20:12
4 from recruiters a lot, but it's often enough that I 09:20:16
5 don't really remember most of them. 09:20:20

6 And -- and when I saw that question, it was 09:20:21
7 like, I'm not going to possibly be able to answer 09:20:24
8 this without listing 1,000 people that I've ever 09:20:27
9 spoken to. So I did the best I could under those 09:20:30
10 circumstances. I felt like, you know, I could 09:20:33
11 provide you with the information that I wanted this 09:20:35
12 time. 09:20:37

13 Q. Anything else that was not complete that 09:20:38
14 you can recall right now? 09:20:42

15 A. Not that I recall, but we can go through 09:20:42
16 it. 09:20:50

17 Q. So how many -- you just mentioned that it 09:20:50
18 was more than one occasion that you received a cold 09:20:51
19 call? 09:20:54

20 A. Yes. 09:20:54

21 Q. How often did you get cold called? 09:20:55

22 A. I continue to get cold calls from 09:20:56
23 recruiters, and I have gotten cold calls over the 09:21:00
24 years. Probably several a month at least. It would 09:21:03
25 depend on if I'm looking for a job or not. If I put 09:21:07

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

1	my resume out there, I will get more.	09:21:12
2	But usually they are not very memorable.	09:21:14
3	Usually, they are from some third-party recruiter	09:21:17
4	rather than a big company such as Adobe, so a cold	09:21:20
5	call like that would be more rare.	09:21:25
6	Q. What do you mean when you say "not	09:21:27
7	memorable"?	09:21:30
8	A. I mean like a third-party saying, "Hey,	09:21:30
9	would you potentially be interested in potentially	09:21:33
10	working for" some company that I can't even tell you	09:21:36
11	what their name is. And I could say, "Sure, I	09:21:40
12	guess. Give me more information." It's not a	09:21:42
13	specific lead. It's sort of a general, "Would you	09:21:44
14	like to be in contact with me, I have jobs that	09:21:46
15	might fit you" sort of thing.	09:21:48
16	Q. When you say several months, can you put	09:21:50
17	some sort of range in numbers on that?	09:21:54
18	A. Depending on whether I'm looking for	09:21:56
19	employment. If I'm actually looking for employment	09:21:58
20	and I'm updating my resume and putting it out there,	09:22:01
21	then I might get ten a week. And if I'm not	09:22:05
22	actively looking for employment, then I might get	09:22:09
23	five a month if I pull my resume off the sites.	09:22:14
24	Q. And those two estimates that you gave, was	09:22:22
25	that true of the past decade?	09:22:25

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

1 A. Mostly true. It's become increasingly true 09:22:28
2 as my career's progressed. You know, at the start 09:22:34
3 of the decade, it would have been less. And during 09:22:36
4 2001, 2003, it would have been a lot less because 09:22:40
5 that was a really slow time. But after 2003 and 09:22:42
6 towards 2005, it heated up quite a bit. 09:22:46

7 Q. What about after 2005? 09:22:50

8 A. It seemed to continue to heat up. 09:22:52

9 Q. And did that trend continue after 2005? 09:22:58

10 A. Seems to be continuing, yeah, there seems 09:23:03
11 to be no shortage of positions in the market right 09:23:06
12 now. 09:23:10

13 Q. Going back to the 2001-2003 period when you 09:23:13
14 say you were getting less calls, what would your 09:23:17
15 approximate number be for cold call's per month? 09:23:21

16 A. Going back ten years, like -- I really 09:23:25
17 don't know. I just know it is less than it is 09:23:29
18 now. 09:23:31

19 Q. Do you have any estimate? 09:23:31

20 A. It wouldn't be an accurate estimate. I 09:23:37
21 don't know. I would be guessing. 09:23:41

22 Q. And why do you think you were not getting a 09:23:43
23 lot of calls at that time? 09:23:46

24 A. In 2001-2003, the economy, the dot bomb, or 09:23:48
25 the crash happened, and that was pretty much the 09:23:53

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

1	BY MS. KAHN:	10:16:17
2	Q. As you're looking at it now, is Vic a	10:16:17
3	recruiter from Aquent?	10:16:20
4	MR. GLACKIN: Objection, calls for	10:16:22
5	speculation.	10:16:23
6	THE WITNESS: Would you like me to	10:16:23
7	speculate?	10:16:25
8	BY MS. KAHN:	10:16:26
9	Q. You can answer if you have any -- do you	10:16:26
10	have any understanding as you're looking at this	10:16:27
11	document as to who Vic is?	10:16:29
12	MR. GLACKIN: Objection, calls for	10:16:30
13	speculation.	10:16:31
14	BY MS. KAHN:	10:16:32
15	Q. You can answer if you understand the	10:16:32
16	question.	10:16:33
17	A. I would be able to speculate for you with a	10:16:35
18	reasonable amount of reliability, but I can't say	10:16:38
19	certainly that I know who he is.	10:16:40
20	Q. Go ahead.	10:16:43
21	MR. GLACKIN: Objection, you're asking him	10:16:43
22	to speculate?	10:16:45
23	MR. KIERNAN: Yes.	10:16:47
24	THE WITNESS: I believe he would be someone	10:16:47
25	who would have knowledge of a position -- a	10:16:47

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

1 technical writer position that's in the subject line 10:16:53
2 of the e-mail. 10:16:55
3 BY MS. KAHN: 10:16:58
4 Q. Is he a recruiter? 10:16:58
5 A. I don't know. 10:17:00
6 Q. What is Aquent? 10:17:00
7 A. I don't know. 10:17:02
8 Q. You never heard of Aquent before? 10:17:02
9 A. I'm sure I heard of them because I sent the 10:17:04
10 e-mail, but it was eight years ago, and I don't know 10:17:07
11 now. 10:17:10
12 Q. And you say here in your e-mail to Vic, 10:17:11
13 "You apparently contacted my co-worker Mike Reed 10:17:13
14 regarding a technical writing position. He passed 10:17:16
15 the information to me as I am looking for a more 10:17:20
16 stable position. Please review my resume and 10:17:24
17 contact me at your earliest convenience." Do you 10:17:27
18 see that? 10:17:30
19 A. Yes, I see that. 10:17:31
20 Q. Were you e-mailing your resume to Vic for 10:17:32
21 purposes of getting employment? 10:17:35
22 A. Sounds like it. 10:17:36
23 Q. Can you turn to the next page, does that 10:17:42
24 look like your resume? 10:17:44
25 A. It looks like a version of my resume that I 10:17:45

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

1	would have written eight years ago.	10:17:49
2	Q. Can you indicate the years that you	10:17:51
3	indicate you worked at RealNames were from 2001 to	10:17:55
4	2002?	10:17:55
5	A. I do see that, yes.	10:17:55
6	Q. That's inaccurate, right, based on what we	10:17:57
7	went through?	10:17:59
8	MR. GLACKIN: Objection, argumentative.	10:18:00
9	BY MS. KAHN:	10:18:00
10	Q. You can answer.	10:18:00
11	A. Can you define "inaccurate"?	10:18:06
12	Q. Did you work at RealNames from 2001 to	10:18:08
13	2002?	10:18:11
14	MR. GLACKIN: Objection, mischaracterizes	10:18:12
15	document, argumentative.	10:18:13
16	THE WITNESS: I don't see that this says	10:18:15
17	through 2002. I don't see the word "through"	10:18:16
18	there.	10:18:21
19	BY MS. KAHN:	10:18:22
20	Q. Do you see any indication on this resume	10:18:22
21	when you worked at RealNames?	10:18:25
22	A. It says, in brackets, "2001 - 2002," end	10:18:26
23	bracket.	10:18:30
24	Q. Do you recall writing that on your	10:18:34
25	resume?	10:18:38

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

1	A.	No.	11:04:03
2	Q.	Have you ever participated in a salary	11:04:04
3		survey?	11:04:05
4	A.	No.	11:04:06
5	Q.	And aside from these websites, any other	11:04:11
6		way that you were getting a sense of what other	11:04:14
7		employers are paying for similar positions you're	11:04:17
8		working on?	11:04:20
9		MR. GLACKIN: Objection, vague.	11:04:22
10		THE WITNESS: I don't recall.	11:04:26
11		BY MS. KAHN:	11:04:34
12	Q.	You said earlier, and I don't have	11:04:34
13		Livenote, I don't know the exact testimony, but	11:04:37
14		there were certain points when you started getting a	11:04:40
15		sense of what other employers were paying for a	11:04:44
16		similar positions? (Cross-talking.)	11:04:48
17		MR. GLACKIN: Objection, mischaracterizes	11:04:49
18		prior testimony and vague.	11:04:49
19		THE WITNESS: I don't know if you want to	11:04:53
20		read back the testimony, I can tell you if it does	11:04:54
21		or not.	11:04:57
22		BY MS. KAHN:	11:04:57
23	Q.	Well, is that a true statement?	11:04:57
24		MR. GLACKIN: Objection, vague.	11:04:58
25		THE WITNESS: Is what a true statement?	11:05:00

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

1 BY MS. KAHN: 11:05:03

2 Q. That at certain points -- I think you used 11:05:03

3 the word "point" because I jotted it down, you 11:05:06

4 started having more of a sense what other employers 11:05:09

5 were paying for similar jobs that you were working 11:05:12

6 on? 11:05:15

7 MR. GLACKIN: Objection, vague. 11:05:15

8 THE WITNESS: As I progressed through my 11:05:17

9 career, I talked to more and more recruiters, I've 11:05:19

10 have been told by what -- by those recruiters what 11:05:25

11 they pay. I've gotten a sense from them. 11:05:30

12 And if I talked to more than one recruiter 11:05:34

13 and they tell me -- you know, if I talk to several 11:05:40

14 recruiters about a position and they all tell me 11:05:44

15 this is the range, then I go, okay, this is the 11:05:44

16 range. 11:05:46

17 BY MS. KAHN: 11:05:59

18 Q. Does that happen often? 11:05:59

19 A. I don't know how often it happens. It 11:06:02

20 happens sometimes when I'm looking for a new job. I 11:06:04

21 mean, I want to be paid fairly so I want to 11:06:07

22 understand what jobs are available and how much they 11:06:09

23 pay. So I generally will talk to more than one 11:06:14

24 potential employer when I'm looking for a job and 11:06:20

25 try to ascertain how much they are going to pay, at 11:06:25

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

1	least what the ballpark is.	11:06:29
2	Q. And when you're not looking for a job, do	11:06:31
3	you get recruiter calls when they sometimes tell you	11:06:32
4	the compensation range for certain positions?	11:06:36
5	A. No, if I'm not looking for a job, I'm not	11:06:39
6	interested in getting to that level of talking about	11:06:41
7	compensation. I mean, when I'm not looking for a	11:06:44
8	job -- there have been sometimes where I'm not	11:06:47
9	looking for a job, but I'd be willing to take a call	11:06:48
10	to think about taking another job. And, you know,	11:06:52
11	in that case, I will start talking about what the	11:06:54
12	job will look like. That's got to be my first	11:06:57
13	concern, and it wouldn't be until I seriously	11:06:59
14	consider working there that I would start talking	11:07:01
15	about compensation.	11:07:06
16	Q. So is the thing that's most important to	11:07:08
17	you at a job whether you're a good fit?	11:07:15
18	MR. GLACKIN: Objection, vague.	11:07:17
19	THE WITNESS: Everything is important to	11:07:19
20	me. I want it to be a good fit, and I want to be	11:07:21
21	paid fairly, and --	11:07:24
22	BY MS. KAHN:	11:07:26
23	Q. And what do you mean when you say --	11:07:26
24	MR. GLACKIN: Excuse me, I'm sorry, were	11:07:27
25	you finished answering?	11:07:28

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

1	A. Probably either e-mail or phone.	11:44:18
2	Q. Would they sometimes provide you with	11:44:22
3	compensation information in that initial contact?	11:44:24
4	A. I don't know.	11:44:27
5	Q. Do you recall any instance where that	11:44:28
6	happened?	11:44:30
7	A. I don't recall an instance where that	11:44:32
8	happened.	11:44:34
9	Q. Do you still use Monster today?	11:44:34
10	A. Not actively. Like I said, I may have	11:44:36
11	logged in out of curiosity to see if it still	11:44:39
12	exists, but I don't consider it a very robust job	11:44:43
13	search tool anymore.	11:44:47
14	Q. What is your understanding based on when	11:44:52
15	you say that?	11:44:54
16	A. It just didn't seem like it had as much	11:44:57
17	tech jobs they used to, so it's not based on	11:45:00
18	anything other than intuition.	11:45:04
19	Q. Was it based on your sense of being on	11:45:09
20	Indeed and LinkedIn and the other sites you are now	11:45:11
21	active in?	11:45:15
22	MR. GLACKIN: Objection, vague.	11:45:15
23	THE WITNESS: It's not really based on	11:45:17
24	anything.	11:45:22
25	BY MS. KAHN:	11:45:29

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

1 Q. When you went on Monster and you had that 11:45:29
2 thought that it's not as robust as the other 11:45:31
3 websites, was it because you had seen additional 11:45:34
4 jobs on other websites that you were not seeing on 11:45:40
5 Monster? 11:45:43

6 A. I don't know. 11:45:47

7 Q. Did you have a sense of what job 11:45:58
8 opportunities were out there, you were just not 11:46:00
9 seeing it on Monster? 11:46:02

10 MR. GLACKIN: Objection, vague. 11:46:03

11 THE WITNESS: No, I did not have a sense of 11:46:05
12 what job opportunities were out there. That's why I 11:46:06
13 was looking online to try to get a sense of what job 11:46:09
14 opportunities were out there. 11:46:13

15 BY MS. KAHN: 11:46:15

16 Q. And is looking online an effective way of 11:46:15
17 finding out about job opportunities? 11:46:17

18 A. It seemed to be a primary way to find out 11:46:19
19 job opportunities. To look online and to network 11:46:23
20 with associates of yours are two primary ways people 11:46:25
21 find jobs. 11:46:32

22 Q. Do you network as a means of finding a job 11:46:44
23 opportunity? 11:46:47

24 A. And also I'd like to amend what I said. 11:46:47
25 When I say "look online," I mean make yourself 11:46:50

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

1 available online so that recruiters can contact you, 11:46:53
2 that's included in that. 11:46:56
3 And I'm sorry, what was your next question? 11:47:03
4 Q. Yeah, sure. Do you use networking as a 11:47:06
5 means of finding job opportunities? 11:47:09
6 A. I have done so. 11:47:16
7 Q. How often? 11:47:17
8 A. I can't say how often throughout the course 11:47:19
9 of my career. I just know that recently I have done 11:47:21
10 so on at least one occasion. 11:47:24
11 Q. When was that? 11:47:31
12 A. This year. I knew that a co-worker of mine 11:47:32
13 had interviews at Netflix, and I talked to that 11:47:38
14 co-worker. He had decided not to work at Netflix, 11:47:47
15 so he told me about it, and I contacted them. They 11:47:52
16 had previously contacted me, though, so I can't say 11:47:55
17 that's really true networking because Netflix 11:47:57
18 reached out to me first. And I talked to them, but 11:48:02
19 I was not really interested in leaving OnLive at 11:48:05
20 that time. 11:48:07
21 And then several months later, I was 11:48:07
22 working as a contractor at Google, and my co-worker 11:48:08
23 got the job I -- got a different job. He didn't 11:48:11
24 take the Netflix job, he told me about it. I 11:48:13
25 contacted the recruiters, again, that had contacted 11:48:16

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

1 me several months prior at Netflix. And they said, 11:48:19
2 "Hey, want to come in and interview for that?" And 11:48:25
3 they offered me a job, but I did not take it. 11:48:25
4 Q. Before this one instance that you just 11:48:32
5 described, had you previously talked to co-workers 11:48:33
6 about job opportunities, generally? 11:48:36
7 A. I have talked to co-workers about job 11:48:39
8 opportunities generally with some amount of 11:48:42
9 frequency, and I can't really give you an exact 11:48:45
10 specificity with how frequently that has been. 11:48:49
11 Q. What kind of information is exchanged when 11:48:54
12 you talk with co-workers about job opportunities? 11:48:58
13 A. You would talk about all the various things 11:49:02
14 I mentioned previously that make up what goes into 11:49:05
15 an attractive job offer. Which would include, you 11:49:08
16 know, is it a big, stable company with lots of nice 11:49:12
17 benefits, or is it conversely a small exciting 11:49:16
18 start-up with lots of stock potential. Is it a 11:49:19
19 company that has a big corporate culture and they 11:49:26
20 treat their employees well, opportunity for 11:49:29
21 advancement, good people to work with, good 11:49:32
22 technology to work on, right set of things that fit 11:49:35
23 my skill set, and compensation overall is very 11:49:39
24 important. 11:49:48
25 Q. When you say "compensation overall," what 11:49:51

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

1 full time. 16:26:27

2 The reason I left is because I started 16:26:27

3 to -- even when I went back to Google, I thought 16:26:34

4 there was a good chance I was going to leave to 16:26:37

5 begin with. I just wanted to go somewhere that I 16:26:41

6 knew I liked for a while until I figured out where 16:26:45

7 to go next. Google would have been somewhere I 16:26:49

8 would have stayed forever, if I could have got full 16:26:53

9 time there. 16:26:55

10 But I had learned the second time around it 16:26:55

11 wasn't going to be possible without going through 16:26:57

12 the same type of interview I went through the first 16:27:01

13 time. And I started getting a little down on myself 16:27:03

14 again, as I do sometimes, thinking, gee, maybe I 16:27:07

15 just don't have what it takes. Because the bar, 16:27:09

16 like I said, is ridiculously high for the full time 16:27:14

17 equivalent for my position. 16:27:18

18 So I took another contract at Semantic, and 16:27:21

19 it was paying █ an hour more, so that was one 16:27:27

20 reason. And it was -- I mean, the more important 16:27:34

21 reason was I was told at Semantic that they always 16:27:35

22 end up converting people, unlike Google, to full 16:27:38

23 time. So I thought, well, that would be a way to 16:27:44

24 become a full-time employee at a big company and 16:27:46

25 hopefully have a better experience than I had at 16:27:51

1 Adobe. 16:27:54

2 Q. Was converting to regular employee status 16:27:54

3 important to you? 16:27:58

4 A. Yes. 16:28:00

5 Q. Why is that? 16:28:00

6 A. Because at places like Google, where they 16:28:02

7 have these people that are working as contractors 16:28:07

8 for seven years -- and I know some of them -- they 16:28:14

9 tend to treat the contractors as second-class 16:28:17

10 citizens. Just feels sort of, you know, isolating. 16:28:25

11 Despite the fact that you have some of the same 16:28:27

12 perks that they do and you get good money, it's sort 16:28:32

13 of a -- sort of a distinction that a lot of people 16:28:35

14 find a little -- gets a little old after a while. 16:28:39

15 And I don't -- then I sort of got to the point where 16:28:49

16 I was tired of dealing with that. 16:28:51

17 Q. How did you find the Semantic job? 16:28:55

18 A. netPolarity was the employer for Semantic 16:29:00

19 and I believe they reached out to me through either 16:29:06

20 an e-mail or a phone call. 16:29:11

21 Q. When you were working for Modus at Google 16:29:16

22 the second time around, were you actively looking 16:29:22

23 for another job? 16:29:24

24 A. I -- I don't know. Initially, I doubt it. 16:29:27

25 But as I said, right from the start when I went back 16:29:31

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

1	to Modus, I knew that it was a contingent worker	16:29:35
2	position and I needed -- if I wasn't going to be	16:29:38
3	converted to full time, that I would eventually be	16:29:41
4	looking for something else.	16:29:44
5	Q. And when did you find out you weren't going	16:29:45
6	to be converted to full time?	16:29:48
7	A. I don't know that there was a specific day	16:29:49
8	that I can recall.	16:29:55
9	Q. Month?	16:29:56
10	A. No. I don't recall a specific event that	16:29:58
11	caused me to think, this is it for sure, other than	16:30:00
12	the fact that I had worked -- things I've already	16:30:04
13	said. So I don't want to repeat myself.	16:30:08
14	Q. Do you recall applying for jobs when you	16:30:12
15	were at Google?	16:30:13
16	A. I don't recall applying for jobs when I was	16:30:17
17	at Google.	16:30:23
18	Q. Do you recall getting contacted by	16:30:24
19	recruiters?	16:30:27
20	A. Well, I mentioned at least one case where I	16:30:28
21	do recall that. Other than that, I don't have any	16:30:31
22	specific recollection of that.	16:30:32
23	Q. Was the recruiter contacting you because	16:30:36
24	you had posted your resume?	16:30:39
25	MR. GLACKIN: Objection, foundation.	16:30:41

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

1	A. Yes.	17:40:04
2	Q. And that was the pay from eTouch?	17:40:05
3	A. That's right.	17:40:08
4	Q. How did that pay increase come about?	17:40:09
5	A. When I first went back to Google, it was	17:40:11
6	frankly because I had decided I couldn't stand Chris	17:40:14
7	Owens, and I knew OnLive was about to collapse	17:40:16
8	anyway, and I needed somewhere to go so that I could	17:40:22
9	continue having steady employment. And I knew	17:40:26
10	Google was a good place to go. And just like in the	17:40:28
11	past, I knew it was not somewhere I was likely to	17:40:31
12	stay for a long time unless things had changed	17:40:36
13	again, but I was more than happy to go there for	17:40:39
14	some time.	17:40:42
15	When I was told it was █ an hour, the	17:40:42
16	thing that was on my mind right from the start is,	17:40:46
17	this is not going to be a very long time at all	17:40:46
18	because █ an hour comes out to the same as what I	17:40:46
19	was making at OnLive with no benefits whatsoever.	17:40:50
20	And it was definitely a step down. So it was --	17:40:53
21	excuse me. I didn't have to interview. I just --	17:40:54
22	other than the little phone interview I described.	17:41:00
23	I had to tell OnLive I quit and start. So I	17:41:04
24	thought, I'll go there and I'll just look for	17:41:08
25	something else while I'm there. I would be there	17:41:11

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

1 for a few months. And I went there, and I was 17:41:15
2 placed initially on the Google+ team, and they 17:41:17
3 really had no structured QA environment, the way 17:41:21
4 that I remembered Gmail being. But it was because 17:41:25
5 the way they are shipping their product, so quick. 17:41:28

6 Well, again, this might get into some sort 17:41:33
7 of NDA thing with Google. 17:41:36

8 Q. Well -- 17:41:40

9 A. I guess Google would have to -- would have 17:41:41
10 to -- 17:41:41

11 Q. But -- 17:41:41

12 A. But -- 17:41:41

13 Q. Can I -- 17:41:41

14 A. Yes. 17:41:41

15 Q. -- interrupt? I just want to know how your 17:41:41
16 pay increase came about. 17:41:44

17 A. Okay. My pay increase came about because I 17:41:46
18 was ready to leave Google, I'd already interviewed 17:41:49

19 at at least one place, and I told a few colleagues 17:41:54
20 that I had known from working at Google in the past 17:42:01

21 that I was not happy in the department I was in. 17:42:05

22 And then I was given this sort of mystery 17:42:11

23 spreadsheet. Like, here, go through all these bugs, 17:42:13
24 you know, that had been given to us from an external 17:42:20

25 company -- I won't name them because I don't know if 17:42:26

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

1 I'm **supposed** to -- but -- and see if they are valid 17:42:27
2 or not and file them if they are. 17:42:30

3 And I think that was sort of a test to see 17:42:32
4 if I was fit for this other department. So I did 17:42:34
5 that and my theory, at least, is that I passed that 17:42:38
6 test because the manager of Gmail reached out to me 17:42:40
7 and said, "Hey, do you want to come back on Gmail?" 17:42:45
8 And I would love to come back on Gmail. Gmail was 17:42:47
9 what I liked working on or so I perceived things 17:42:49
10 have changed now at Gmail, and I can work with 17:42:49
11 people I worked with before. That would be **cool.** 17:42:53
12 So I did that. 17:42:56

13 And I said, but, you know, the compensation 17:42:58
14 I'm getting now is completely lousy and I was 17:42:59
15 intending to leave here really quickly, so I'm going 17:43:02
16 to need some sort of adjustment right now, if I'm 17:43:06
17 going to stay here. And he said, "Okay. I can work 17:43:09
18 that out." And he said -- I -- he said he wanted me 17:43:11
19 to stay around for six months. So -- he said, "for 17:43:20
20 around six months, because otherwise it would affect 17:43:25
21 morale or something." I said, "Okay. I can -- I 17:43:28
22 can do that." So beyond that, I have no -- I can't 17:43:31
23 ask for more than that, so I said, "Okay," and I 17:43:34
24 took the bump up to █ and I worked there on the 17:43:41
25 Gmail team. 17:43:44

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

1	Q. Do you know what other contractors were	17:43:46
2	making at Google?	17:43:49
3	A. I --	17:43:50
4	MR. GLACKIN: Objection, vague.	17:43:50
5	MS. KAHN: You can answer.	17:43:54
6	THE WITNESS: The -- which contractors?	17:43:57
7	BY MS. KAHN:	17:43:59
8	Q. Quality engineer contractors.	17:43:59
9	A. I know -- I don't know what they were	17:44:04
10	making. I know what -- I know what the vendor was	17:44:05
11	being paid is equivalent to what I was being paid	17:44:07
12	because that's what my manager told me. He told me,	17:44:10
13	"You can take" -- "your negotiations with the vendor	17:44:14
14	is between you and the vendor. All I can tell you	17:44:17
15	is I'm going to pay the vendor the same for you as	17:44:19
16	I'm paying for these other people who are senior	17:44:22
17	people."	17:44:25
18	MS. KAHN: Take a short break?	17:44:30
19	THE VIDEOGRAPHER: We are off the record at	17:44:32
20	5:44 p.m.	17:44:33
21	(Recess taken.)	17:57:07
22	THE VIDEOGRAPHER: We are back on the	17:57:10
23	record at 5:57 p.m.	17:57:11
24	BY MS. KAHN:	17:57:16
25	Q. And just real quick, going back to Adobe,	17:57:16

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

1 STATE OF CALIFORNIA) ss:
2 COUNTY OF MARIN)
3

4 I, ASHLEY SOEVYN, CSR No. 12019, do hereby
5 certify:

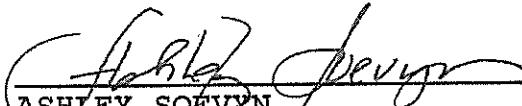
6 That the foregoing deposition testimony was
7 taken before me at the time and place therein set
8 forth and at which time the witness was administered
9 the oath;

10 That the testimony of the witness and all
11 objections made by counsel at the time of the
12 examination were recorded stenographically by me,
13 and were thereafter transcribed under my direction
14 and supervision, and that the foregoing pages
15 contain a full, true and accurate record of all
16 proceedings and testimony to the best of my skill
17 and ability.

18 I further certify that I am neither counsel for
19 any party to said action, nor am I related to any
20 party to said action, nor am I in any way interested
21 in the outcome thereof.

22 IN THE WITNESS WHEREOF, I have transcribed my
23 name this 1st day of November, 2012.

24


25 ASHLEY SOEVYN
CSR NO. 12019

Page 341